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AMENDED IN ASSEMBLY FEBRUARY 10, 2006  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2005  
AMENDED IN ASSEMBLY AUGUST 30, 2005  
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AMENDED IN SENATE MAY 31, 2005  
AMENDED IN SENATE MAY 2, 2005  
AMENDED IN SENATE APRIL 19, 2005  
AMENDED IN SENATE MARCH 30, 2005

**SENATE BILL**

**No. 506**

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**Introduced by Senator Poochigian**

**(Coauthor: Senator Dunn)**

(Coauthors: Assembly Members Aghazarian, Bermudez, Garcia,  
LaSuer, and Mountjoy)

February 18, 2005

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~~An act to amend Section 2194 of, and to add Section 2166.7 to, the~~  
*An act to amend Sections 2194, 8105, 8202, and 8204 of, and to add*  
*Sections 2166.7 and 8023 to, the Elections Code, and to amend*  
Section 6254.24 of the Government Code, relating to public officials.

## LEGISLATIVE COUNSEL'S DIGEST

SB 506, as amended, Poochigian. Public officials.

(1) Existing law provides, until January 1, 2008, that participants in the “Address Confidentiality for Victims of Domestic Violence and Stalking” program and the “Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients” program who complete an application containing specified information in person at a community-based victims’ assistance program may have certain personal information, including the program participant’s voter registration, remain confidential and not disclosed to the public.

This bill would require a local elections official to extend this confidentiality of voter registration information to specified public safety officials, upon application, as specified, for a period of no more than two years, if the local elections official is authorized to do so by his or her county board of supervisors. The application of a public safety official would be a public record.

This bill would also include the signature of a voter on a voter registration card as part of the voter registration information entitled to confidentiality.

(2) Existing law prohibits a state or local agency from posting on the Internet the home address or telephone number of any elected or appointed official. It also prohibits, and makes punishable as a misdemeanor or felony, as specified, any person from knowingly posting this information or that of the official’s residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of public safety officials state and federal judges and court commissioners. By expanding an existing crime, this bill would impose a state-mandated local program.

(3) This bill would make technical and conforming changes to existing law.

*(4) Existing law establishes the procedures by which candidates for judicial office are nominated and requires that specified filing fees be paid for filing nomination papers for all candidates for judicial office.*

*Existing law does not require a candidate for judicial office to file a declaration of intention to become a candidate.*

*This bill would require each candidate for judicial office to file a declaration of intention to become a candidate and to pay the appropriate filing fee for filing the declaration.*

*The bill would also make other conforming changes to these provisions.*

(4)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2166.7 is added to the Elections Code,  
2 to read:

3 2166.7. (a) If authorized by his or her county board of  
4 supervisors, a county elections official shall, upon application of  
5 a public safety officer, make confidential that officer's residence  
6 address, telephone number, and e-mail address appearing on the  
7 affidavit of registration, in accordance with the terms and  
8 conditions of this section.

9 (b) The application by the public safety officer shall contain a  
10 statement, signed under penalty of perjury, that the person is a  
11 public safety officer as defined in subdivision (f) and that a life  
12 threatening circumstance exists to the officer or a member of the  
13 officer's family. The application shall be a public record.

14 (c) The confidentiality granted pursuant to subdivision (a) shall  
15 terminate no more than two years after commencement, as  
16 determined by the county elections official. The officer may  
17 submit a new application for confidentiality pursuant to  
18 subdivision (a), and the new request may be granted for an  
19 additional period of not more than two years.

20 (d) Any person granted confidentiality under subdivision (a)  
21 shall:

1 (1) Be considered an absent voter for all subsequent elections  
2 or until the county elections official is notified otherwise by the  
3 Secretary of State or in writing by the voter. A voter requesting  
4 termination of absent voter status thereby consents to placement  
5 of his or her residence address, telephone number, and e-mail  
6 address in the roster of voters.

7 (2) In addition to the required residence address, provide a  
8 valid mailing address to be used in place of the residence address  
9 for election, scholarly, or political research, and government  
10 purposes. The elections official, in producing any list, roster, or  
11 index may, at his or her choice, use the valid mailing address or  
12 the word “confidential” or some similar designation in place of  
13 the residence address.

14 (e) No action in negligence may be maintained against any  
15 government entity or officer or employee thereof as a result of  
16 disclosure of the information that is the subject of this section  
17 unless by a showing of gross negligence or willfulness.

18 (f) “A public safety officer” has the same meaning as defined  
19 in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the  
20 Government Code.

21 SEC. 2. Section 2194 of the Elections Code is amended to  
22 read:

23 2194. (a) The voter registration card information identified in  
24 subdivision (a) of Section 6254.4 of the Government Code:

25 (1) Shall be confidential and shall not appear on any computer  
26 terminal, list, affidavit, duplicate affidavit, or other medium  
27 routinely available to the public at the county elections official’s  
28 office.

29 (2) Shall not be used for any personal, private, or commercial  
30 purpose, including, but not limited to:

31 (A) The harassment of any voter or voter’s household.

32 (B) The advertising, solicitation, sale, or marketing of  
33 products or services to any voter or voter’s household.

34 (C) Reproduction in print, broadcast visual or audio, or display  
35 on the Internet or any computer terminal unless pursuant to  
36 paragraph (3).

37 (3) Shall be provided with respect to any voter, subject to the  
38 provisions of Sections 2166.5, 2166.7, and 2188, to any  
39 candidate for federal, state, or local office, to any committee for  
40 or against any initiative or referendum measure for which legal

1 publication is made, and to any person for election, scholarly,  
2 journalistic, or political purposes, or for governmental purposes,  
3 as determined by the Secretary of State.

4 (b) (1) Notwithstanding any other provision of law, the  
5 California driver's license number, the California identification  
6 card number, the social security number, and any other unique  
7 identifier used by the State of California for purposes of voter  
8 identification shown on a voter registration card of a registered  
9 voter, or added to voter registration records to comply with the  
10 requirements of the Help America Vote Act of 2002 (42 U.S.C.  
11 Sec. 15301 et seq.), are confidential and shall not be disclosed to  
12 any person.

13 (2) Notwithstanding any other provision of law, the signature  
14 of the voter shown on the voter registration card is confidential  
15 and shall not be disclosed to any person, except as provided in  
16 subdivision (c).

17 (c) (1) The home address or signature of any voter shall be  
18 released whenever the person's vote is challenged pursuant to  
19 Sections 15105 to 15108, inclusive, or Article 3 (commencing  
20 with Section 14240) of Chapter 3 of Division 14. The address or  
21 signature shall be released only to the challenger, to elections  
22 officials, and to other persons as necessary to make, defend  
23 against, or adjudicate the challenge.

24 (2) An elections official shall permit a person to view the  
25 signature of a voter for the purpose of determining whether the  
26 signature matches a signature on an affidavit of registration or a  
27 petition, but shall not permit a signature to be copied.

28 (d) A governmental entity, or officer or employee thereof,  
29 shall not be held civilly liable as a result of disclosure of the  
30 information referred to in this section, unless by a showing of  
31 gross negligence or willfulness.

32 (e) For the purposes of this section, "voter's household" is  
33 defined as the voter's place of residence or mailing address or  
34 any persons who reside at the place of residence or use the  
35 mailing address as supplied on the affidavit of registration  
36 pursuant to paragraphs (3) and (4) of subdivision (a) of Section  
37 2150.

38 *SEC. 3. Section 8023 is added to the Elections Code, to read:*

39 *8023. (a) Except in the case of a judicial office filled in*  
40 *accordance with subdivision (d) of Section 16 of Article VI of the*

1 *Constitution, every candidate for a judicial office, not more than*  
2 *14 nor less than five days prior to the first day on which his or*  
3 *her nomination papers may be circulated and signed or may be*  
4 *presented for filing, shall file in the office of the elections official*  
5 *in which his or her nomination papers are required to be filed or*  
6 *left for examination, a written and signed declaration in*  
7 *duplicate of his or her intention to become a candidate for that*  
8 *office on a form to be supplied by the elections official. A*  
9 *candidate for a numerically designated judicial office shall state*  
10 *in his or her declaration for which office he or she intends to*  
11 *become a candidate. A copy of each declaration of intention filed*  
12 *in accordance with this article shall be immediately forwarded*  
13 *by the elections official to the Secretary of State.*

14 *(b) No person may be a candidate nor have his or her name*  
15 *printed on any ballot as a candidate for judicial office unless he*  
16 *or she has filed the declaration of intention provided for in this*  
17 *section. If the incumbent of a judicial office fails to file a*  
18 *declaration of intention by the end of the period specified in*  
19 *subdivision (a), persons other than the incumbent may file*  
20 *declarations of intention no later than the first day for filing*  
21 *nomination papers.*

22 *(c) Declarations shall be in substantially the following form:*  
23 *“I hereby declare my intention to become a candidate for the*  
24 *office of\_\_\_\_(name of office and district, if any) at the \_\_\_\_\_, 2*  
25 *\_\_\_\_\_election.”*

26 *(d) This section shall apply to all judicial offices whether*  
27 *numerically designated or not.*

28 *SEC. 4. Section 8105 of the Elections Code is amended to*  
29 *read:*

30 *8105. (a) The filing fees for all candidates shall be paid at*  
31 *the time the candidates obtain their nomination forms from the*  
32 *county elections official. The county elections official shall not*  
33 *accept any papers unless the fees are paid at the time required by*  
34 *this section, or unless satisfactory evidence is given to the county*  
35 *elections official or to the registrar of voters that the fee has been*  
36 *paid at the time of the declaration of candidacy in another*  
37 *county. The county elections official shall transmit the*  
38 *appropriate fees to the Secretary of State at the time he or she*  
39 *delivers the declarations of candidacy for filing. All filing fees*

1 received by the Secretary of State and elections officials are  
2 nonrefundable.

3 *(b) The filing fees for candidates required to file declarations*  
4 *of intention pursuant to Section 8023 shall be paid at the time the*  
5 *declarations are filed with the county elections official.*

6 *SEC. 5. Section 8202 of the Elections Code is amended to*  
7 *read:*

8 8202. The numerically designated offices shall be grouped  
9 and arranged on all ballots in numerical order. ~~A~~ No person may  
10 ~~not~~ be a candidate ~~or~~ nor have his or her name printed upon any  
11 ballot as a candidate for any numerically designated office other  
12 than the one indicated by him or her in his or her ~~nomination~~  
13 ~~papers~~ *declaration of intention to become a candidate.*

14 *SEC. 6. Section 8204 of the Elections Code is amended to*  
15 *read:*

16 8204. (a) If an incumbent of a judicial office dies on or  
17 before the last day prescribed for the filing of nomination papers,  
18 or *files a declaration of intention but* for any reason fails to file  
19 his or her nomination papers by the last day prescribed for the  
20 filing of the papers, an additional five days shall be allowed for  
21 the filing of nomination papers for the office.

22 (b) Any ~~qualified~~ person other than the person who was the  
23 incumbent, *if otherwise qualified*, may file nomination papers for  
24 the office during the extended period, *notwithstanding that he or*  
25 *she has not filed a written and signed declaration of intention to*  
26 *become a candidate for the office as provided in Sections 8023*  
27 *and 8201.*

28 ~~SEC. 3.~~

29 *SEC. 7. Section 6254.24 of the Government Code is amended*  
30 *to read:*

31 6254.24. As used in this chapter, “public safety official”  
32 means any of the following:

33 (a) An active or retired peace officer as defined in Sections  
34 830 and 830.1 of the Penal Code.

35 (b) An active or retired public officer or other person listed in  
36 Sections 1808.2 and 1808.6 of the Vehicle Code.

37 (c) An “elected or appointed official” as defined in subdivision  
38 (f) of Section 6254.21.

39 (d) Attorneys employed by the Department of Justice, the  
40 State Public Defender, a county office of the district attorney or

1 public defender, the United States Attorney, or the Federal Public  
2 Defender.

3 (e) City attorneys and attorneys who represent cities in  
4 criminal matters.

5 (f) Specified employees of the Department of Corrections, the  
6 California Youth Authority, and the Prison Industry Authority  
7 who supervise inmates or are required to have a prisoner in their  
8 care or custody.

9 (g) Nonsworn employees who supervise inmates in a city  
10 police department, a county sheriff's office, the Department of  
11 the California Highway Patrol, federal, state, and local detention  
12 facilities, and local juvenile halls, camps, ranches, and homes.

13 (h) Federal prosecutors and criminal investigators and  
14 National Park Service Rangers working in California.

15 (i) The surviving spouse or child of a peace officer defined in  
16 Section 830 of the Penal Code, if the peace officer died in the  
17 line of duty.

18 (j) State and federal judges and court commissioners.

19 ~~SEC. 4.~~

20 *SEC. 8.* No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the  
25 penalty for a crime or infraction, within the meaning of Section  
26 17556 of the Government Code, or changes the definition of a  
27 crime within the meaning of Section 6 of Article XIII B of the  
28 California Constitution.